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10/524,695	05/25/2005	Stephen W Vorley	CU-4085 RJS	1593

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EXAMINER

RIPLEY, JAY R

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3679

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/524,695	Applicant(s) VORLEY ET AL.	
	Examiner JAY R. RIPLEY	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-22 and 24 is/are pending in the application.
- 4a) Of the above claim(s) 6-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21, 22 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 February 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Attachments A-C</u> . |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/12/2008 has been entered.

Claims 6-22 and 24 are pending. Claims 6-20 have been withdrawn. Claims 1-5 and 23 have been cancelled.

Claims 6-9 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 08/08/2007.

Claims 10-20 stand withdrawn by Applicants in response to the Office action mailed 03/18/2008, said Office action noting that claims 10-20 are not drawn to the elected invention.

Specification

The amendment filed 12/12/2008 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: there is no support in the original disclosure for the claim 22, lines 2-5, recitation of “wherein the external toothed periphery of the rotatable threaded collar is designed to be able to take an axial pressure from the preloading tool, which pressure is distributed evenly or point-by-point about the periphery of the collar and directed towards the pipe flange”. Nowhere in the original disclosure is there any teaching that the “external toothed periphery of the rotatable threaded collar”, part “15” being the “threaded collar” and part “21” being the teeth (see the instant disclosure Figure 9, for example), takes any “axial pressure from the preloading tool”.

Applicant is required to cancel the new matter in the reply to this Office Action.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the subject matter of the claim 22, lines 2-5, recitation of “wherein the external toothed periphery of the rotatable threaded collar is designed to be able to take an axial pressure from the preloading tool, which pressure is distributed evenly or point-by-point about the periphery of the collar and directed towards the pipe flange” (emphasis added) must be

Art Unit: 3679

shown or the feature(s) canceled from the claim(s). Nowhere in the original disclosure is there any teaching that the “external toothed periphery of the rotatable threaded collar”, part “15” being the “threaded collar” and part “21” being the teeth (see the instant disclosure Figure 9, for example), takes any “axial pressure from the preloading tool”. No new matter should be entered.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the structure required by the claim 24, lines 2-3, recitation of “wherein the external flange of the opposing end portion of said nut has a toothed periphery” (emphasis added) must be shown or the feature(s) canceled from the claim(s). Applicants only discuss such a structure in page 5, last full paragraph, of the original disclosure. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet”

Art Unit: 3679

or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 21, 22, and 24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is no support in the original disclosure for the claim 22, lines 2-5, recitation of "wherein the external toothed periphery of the rotatable threaded collar is designed to be able to take an axial pressure from the preloading tool, which pressure is distributed evenly or point-by-point about the periphery of the collar and directed towards the pipe flange". Nowhere in the original disclosure is there any teaching that the "external toothed periphery of the rotatable threaded collar", part "15" being the "threaded collar" and part "21" being the teeth (see the instant disclosure Figure 9, for example), takes any "axial pressure from the preloading tool".

Art Unit: 3679

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 21, 22, and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regard to claim 21, it is recited in lines 1-5, "A pipe connector for connecting at least two pipes, comprising a seal, a first and a second flange, a threaded portion, a nut, and at least one concentric press surface, wherein an end portion of each pipe is equipped with the at least one concentric press surface" (emphasis added). The recitation of "at least one concentric press surface" is inaccurate and/or misdescriptive, since there must be at least two of the recited "concentric press surface" structures to meet the noted recitation of "wherein an end portion of each pipe is equipped with the at least one concentric press surface" and it is a physical impossibility for two structures to share a "concentric press surface".

In regard to claim 21, it is recited in lines 1-3, "A pipe connector for connecting at least two pipes, comprising a seal, a first and a second flange, a threaded portion, a nut, and at least one concentric press surface" (emphasis added). Claim 21 also recites in lines 7-11, wherein the nut comprises... a mid portion therebetween comprising an internal threaded portion" (emphasis added) and recited in lines 12-16, "wherein the second flange comprises...a rotatable threaded collar having a first end portion and a second end portion wherein the first end portion has an external toothed periphery and the second end portion is threaded and configured to engage the internal threaded

Art Unit: 3679

portion of the nut of the first flange" (emphasis added). It appears to the Examiner that the "nut internal threaded portion" and the "rotatable threaded collar the second end portion thread" account for all of the disclosed invention's "pipe connector" "threaded portions". The Examiner notes that to avoid a rejection in the next office for double inclusion of the same structure within the claims, the Applicant should either clarify in the response to this Office action what further "threaded portion" the recitation in claim 21, lines 2-3, refers to or amend the claims to remove any lack of clarity as to the claimed structure, e.g. reciting where in particular this "threaded portion" is located in the recited structure.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 21, 22, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Boscaljon et al (U.S. 6,050,690).

In regard to claims 21, 22, and 24, Boscaljon et al disclose a pipe connector for connecting two pipes (as observed in Figure 1 and Figure 8, see Attachment A and Attachment B, respectively), comprising a seal (as observed in Figure 8, see Attachment B), a first and a second flange (as observed in Figure 8, see Attachment B), a threaded portion (there are numerous "threaded portions" observable in Figure 8, see

Art Unit: 3679

Attachment B), a nut (as observed in Figure 8, see Attachment B), and at least one concentric press surface (as observed in Figure 2, see Attachment A),

wherein an end portion of each pipe is equipped with the at least one concentric press surface located immediately proximal to the periphery of the pipe (as observed in Figure 2, see Attachment A - the Examiner notes that the recitation of “equipped with” does not require a structure to be “monolithic with”) and designed to be capable of taking an axial pressure from a preloading tool (any surface is “capable of taking an axial pressure from” some “preloading tool”);

wherein the nut comprises a rear end portion arranged with an internal load bearing surface corresponding to the first flange (as observed darkened in Figure 8, see Attachment B), an opposing end portion arranged with an external flange of the nut (as observed darkened in Figure 8, see Attachment B) designed to be able to take an axial pressure from the preloading tool (any surface is “capable of taking an axial pressure from” some “preloading tool”), and a mid portion therebetween comprising an internal threaded portion (as observed darkened in Figure 8, see Attachment B); and

wherein the second flange comprises the at least one concentric press surface (as observed in Figure 8, see Attachment B and in Figure 2, see Attachment A) and a rotatable threaded collar (as observed in Figure 8, see Attachment B) having a first end portion and a second end portion, wherein the first end portion has an external toothed periphery (as observed in Figure 8, see Attachment B- the Examiner notes that “teeth” may be defined as projections on the circumference or face of a wheel or other surface) and the second end portion is threaded (as observed in Figure 8, see Attachment B)

Art Unit: 3679

and configured to engage the internal threaded portion of the nut of the first flange (as plainly observed in Figure 8, see Attachment B);

wherein the external toothed periphery of the rotatable threaded collar is designed to be able to take an axial pressure from the preloading tool (as much as the Applicants "collar is designed to be able to take an axial pressure from" some "preloading tool"), which pressure is distributed evenly or point-by-point about the periphery of the collar and directed towards the pipe flange (the Examiner notes that the recitation of "which pressure is distributed evenly or point-by-point about the periphery of the collar and directed towards the pipe flange" is drawn to some intended use and as such is given little patentable weight; "the external toothed periphery of the rotatable threaded collar" of Boscaljon et al is as able of taking an axial pressure from" some "preloading tool, which pressure is distributed evenly or point-by-point about the periphery of the collar and directed towards the pipe flange" as the Applicants "external toothed periphery of the rotatable threaded collar" is);

wherein the external flange of the opposing end portion of the nut has a toothed periphery (as observed in Figure 6a, see Attachment C; the Examiner notes that teeth may be defined as projections on the circumference or face of a wheel or other surface and that "periphery" is simply "the boundary of an area; a perimeter" and as such any outer surface of a three dimensional object may be deemed the objects "periphery", be it a radial boundary or an axial boundary).

Response to Arguments

Applicants' arguments filed 12/12/2008 have been fully considered but they are not persuasive.

Concerning the Applicants' discussion in page 6, the numerated paragraph "3", of the reply filed 12/12/2008, the Applicants state on lines 1-2, "Claim 22 has been amended for clarity as well as to include the features of previously presented Claim 23". The statement is inaccurate since the Applicants have inadvertently created a claim that recites subject matter neither disclosed in the original disclosure nor shown in any of the original figures. Applicants are directed to the 35 U.S.C. 112, first paragraph, rejection and Drawing Objection above for further discussion concerning the issue.

Concerning the Applicants' discussion in starting in page 8, the last paragraph, of the reply filed 12/12/2008, the Applicants appear to assert that the prior art of Boscaljon et al (U.S. 6,050,690) fails to disclose any "concentric press surface", the argument is not persuasive. The Examiner notes that any surface, including a relatively smooth radial outer perimeter circular pipe surface can be said to be a "concentric press surface". The definition of what is to be interpreted as a "concentric press surface" is the language of the claims. If the "concentric press surfaces" the Examiner has noted are not those which the Applicants intend, the Applicants should simply recite the intended structure in the claims, i.e. further define what is a "concentric press surface".

Concerning the Applicants' discussion in starting in page 9, the first full paragraph, of the reply filed 12/12/2008, the Applicants appear to discuss what constitutes a "toothed periphery". The Examiner notes that the Applicants discussion is

Art Unit: 3679

drawn toward the wrong embodiment of Boscaljon et al (U.S. 6,050,690), i.e. "(col. 7, ll. 19-21)" are drawn to the embodiment shown by Boscaljon et al in Figures 13-24. The Examiner has rejected the claims using the embodiment of Boscaljon et al Figures 1-7. Be that as it may, teeth may be defined as projections on the circumference or face of a wheel or other surface. Boscaljon et al show such projections in Figure 8, for example (see Attachment 8). If the toothed surfaces indicated in the prior art of Boscaljon et al are not the toothed surfaces that the Applicants intend, the Applicants should simply recite the intended structure in the claims. The Examiner further notes that there is no recitation in the claims concerning some "spinning tool" (see last line of the first full paragraph in page 9 of the reply filed 12/12/2008).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAY R. RIPLEY whose telephone number is (571)272-7535. The examiner can normally be reached on Monday through Friday, 1:30 P.M. - 10:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3679

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jay R Ripley/
Examiner, Art Unit 3679
16 March 2009

/Daniel P. Stodola/
Supervisory Patent Examiner, Art Unit 3679